
NO. _____

In The Court of Appeals of Maryland

MELISANDE C. FRITZSCHE, for herself and on behalf of Similarly Situated Voters,
MALCOLM G. VINZANT, JR., for himself and on behalf of Similarly Situated Voters,
Plaintiffs-Appellants,

v.

MARYLAND STATE BOARD OF ELECTIONS, LINDA H. LAMONE, State Administrator,
GILLES W. BURGER, Chairman, BOBBIE S. MACK, Vice Chairman, JOAN BECK,
Boardmember, ANDREW V. JEZIK, Boardmember, and SUSAN WIDERMAN, Boardmember,
in their official capacities as Administrators and Board Members of the Maryland State
Board of Elections,

Defendants-Appellees.

APPELLANTS' MOTION TO EXPEDITE APPEAL

Appellants respectfully move this honorable Court to expedite their appeal and decide the matter as soon as practicable. The Circuit Court in this case refused to enter an Order requiring the State to count absentee ballots postmarked November 7, 2006. It reached that erroneous result notwithstanding that the Legislature has guaranteed every Maryland voter who may be absent from the jurisdiction the right to vote absentee but the Appellees failed to provide absentee ballots to many Maryland citizens in time to postmark them by the November 6 deadline imposed by regulation.

Appellants bring this appeal pursuant to Maryland Code, Election Law § 12-203(a)(3), which governs appeals relating to election disputes “taken directly to the Court

of Appeals within 5 days of the date of the decision of the circuit court.” Section 12-203(b), in turn, provides that “[t]he Court of Appeals shall give priority to hear and decide an appeal brought under subsection (a)(3) of this section as expeditiously as the circumstances require.”

The first canvass of absentee ballots is scheduled to commence on November 9, 2006 and to conclude on November 17, when the results of the election will be certified. COMAR 33.11.04.03; COMAR 33.11.04.03A(2)(b). As described in Appellants’ Brief, if this Court does not reverse the Order of the Circuit Court in this case, that canvass will unlawfully omit absentee ballots that by statute are required to be counted. The disenfranchisement of voters is obviously a matter of great gravity. Given the record number of absentee ballots requested, it is moreover possible that the number of absentee ballots that the Appellees intend unlawfully not to count will change the outcome in one or more races. This Court’s immediate attention to this case is accordingly warranted.

To facilitate a prompt response by Appellees, Appellants have provided them with this Motion, the accompanying Brief for Appellants, and the related filings in advance of this filing, on the evening of November 7, 2006.

CONCLUSION

Appellants’ Motion to Expedite Appeal should be granted.

Respectfully submitted,

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Boardmember, ANDREW V. JEZIK, Boardmember, and SUSAN WIDERMAN, Boardmember,
in their official capacities as Administrators and Board Members of the Maryland State
Board of Elections,

Defendants-Appellees.

ORDER GRANTING APPELLANTS' MOTION TO EXPEDITE APPEAL

The Court hereby **GRANTS** Appellants' Motion to Expedite the instant appeal as soon as practicable under Maryland Code, Election Law § 12-203(b).

SO ORDERED.

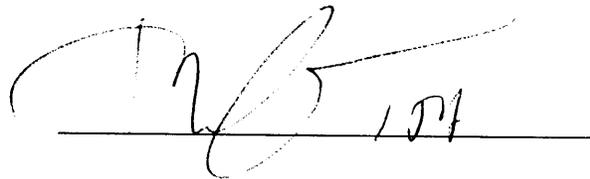
November _____, 2006

CERTIFICATE OF SERVICE

I hereby certify that I have this day served, by electronic mail and by first-class mail, postage pre-paid, 2 copies of the foregoing Appellants' Motion to Expedite upon opposing counsel designated below.

Mark Davis
Office of the Maryland Attorney General
200 St. Paul Place
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Dated at Washington, D.C., this 7th day of November, 2006.

A handwritten signature in black ink, appearing to read 'T.C. Goldstein', is written over a horizontal line.

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